

REMARKS/ARGUMENTS

The Office Action mailed June 14, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 16, 37, 41, 43 and 46 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Applicant believes that support for this amendment may be found inherently in the specification, as if the request did contain a MAC address for the router card, then it would clearly not need to use the file type and the port address to try and deduce the file to send - it could simply send the file correspond to the MAC address. The text of claims 2-4, 6-8, 10-15, 17, 39, 40, 42, 44, 45, 47 and 48 is unchanged, but their meaning is changed because they depend from amended claims.

In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 18-36 in a divisional Application.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

Interview Summary

On August 24, 2005, a telephonic interview was conducted between Marc S. Hanish, Reg. No. 42,626 and Examiner Nguyen. The Examiner is kindly thanked for granting this interview. During the interview, the §112, first paragraph and the substantive prior art rejections were discussed. Specifically, Applicant questioned the Examiner's interpretation of the term

"unique identifier" for the router card. The Examiner indicated that he felt a unique port address would uniquely identify the router card. Applicant disagreed, pointing out that if the router card connected to the port was replaced with a different router card, then the new router card would have the same port address as the old one did, thus not uniquely identifying the new router card. However, Applicant agreed to change the term "unique identifier" to "MAC address" throughout the claims if it would make this distinction more clear. Examiner agreed that such a change would then be supported by the specification and the 112, first paragraph rejection would be withdrawn. Applicant further pointed out that the Hansen reference, column 16, lines 19-21 showed that Hansen utilized the MAC address and thus such a change to the claims would also have the effect of overcoming the Hansen reference. The Examiner agreed. It was agreed that the changes would be made in a formal amendment and that the examiner would conduct a new search, but barring any new prior art found during the search, the claims would be allowable.

The 35 U.S.C. § 112, First Paragraph Rejection

Claims 1-4, 5-8, 10-17, 37 and 39-48 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was allegedly not described in the specification in such a way as to enable one of ordinary skill in the art to practice the invention. This objection is respectfully traversed.

Claims 1, 16, 37, 41, 43 and 46 have been amended to change the term "unique identifier" to "MAC address". As Applicant pointed out in the last amendment, the specification inherently teaches such a limitation because, by using the port address of the router card and the file type to deduce the identity of the router card it is clear that the MAC address for the router card must not

be known. If the MAC address was known, the system would not need to go through the extra steps of attempting to deduce the identity of the card. This was agreed upon during the Interview. As such, Applicant respectfully requests that the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 1-4, 6-8, 10-17, 37 and 39-48 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hansen¹ in view of RFC 783² and Bailey et al.³; among which claims 1, 16, 37, 41, 43 and 46 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁴

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Hansen except that Hansen does not teach file size, the ack, duplicating ack, opcode, block number, checksum of packet, active and inactive router.⁵ The Office Action further contends that RFC 783 teaches these elements and that it would be obvious

¹ U.S. Patent 6,772,204

² K. R. Sollings, TFTP Protocol, Revision 2

³ U.S. Patent 6,185,623

⁴ M.P.E.P. § 2143.

⁵ Office Action ¶ 5.

to one having ordinary skill in the art at the time of the invention to incorporate RFC 783 into Hansen. However, the Office Action indicates that the combined Hansen and RFC 783 fail to disclose a file size, master "active", slave "inactive" and determining the memory for storing the file. The Office Action further contends that Bailey teaches these elements and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Bailey into Hansen and RFC 783 so that the network device would be able to set aside enough memory to store the image file and to prevent error during the configuration of the network device and reduce the cost of the device. The Applicants respectfully disagree for the reasons set forth below.

As discussed during the interview, Hansen fails to teach the element "said request packet not containing a MAC address for the router card." As can be seen in Hansen, Column 16, lines 19-21, Hansen does utilize the MAC address in a bootp packet requesting configuration information. As such, Hansen fails to teach the elements of the claims that the Office Action indicates. As such, Applicant respectfully submits that the independent claims are now in condition for allowance.

As to dependent claims 2-4, 6-8, 10-15, 17, 39, 40, 42, 44, 45, 47 and 48, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP



Marc S. Hanish
Reg. No. 42,626

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Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040